
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

ANGELA K. NIELSON, individually and on
behalf of THE ESTATE OF BRETT W.
NIELSON; RYLEE NIELSON; ERIC
NIELSON; and LINDA NIELSON,

Plaintiffs,

v.

HARLEY-DAVIDSON MOTOR COMPANY
GROUP, LLC; GOODYEAR DUNLOP
TIRES NORTH AMERICA, LTD.; THE
GOODYEAR TIRE & RUBBER CO.;
SUMITOMO RUBBER USA, LLC; and
BELLINGHAM HARLEY-DAVIDSON,
INC.,

Defendants.

**MEMORANDUM DECISION AND
ORDER GRANTING MOTION TO
EXTEND DISCOVERY DEADLINES
AND
AMENDED SCHEDULING ORDER**

Case No. 4:18-cv-00013-DN-PK

District Judge David Nuffer

Magistrate Judge Paul Kohler

Based on the representations and arguments in the parties' briefing on Plaintiffs' Motion to Extend Expert Disclosure Deadline Until After Specific Fact Discovery Already Planned Has Been Completed ("Motion"),¹ Plaintiffs have established good cause for the extension of the deadlines for fact discovery (limited to Plaintiff Angela Nielson's ongoing medical issues and the taking of depositions of Defendants' corporate representatives) and expert discovery.

¹ Motion, [docket no. 91](#), filed July 8, 2019; Defendants Sumitomo Rubber USA, LLC f/k/a Goodyear Dunlop Tires North America, Ltd. and The Goodyear Tire & Rubber Company's Response to Plaintiffs' Motion to Extend Expert Disclosure Deadline, [docket no. 92](#), filed July 19, 2019; Harley-Davidson Motor company Group, LLC's Notice of Joinder to Defendants Sumitomo Rubber USA, LLC f/k/a Goodyear Dunlop Tires North America, Ltd. and The Goodyear Tire & Rubber Company's Response to Plaintiffs' Motion to Extend Expert Disclosure Deadline, [docket no. 93](#), filed July 22, 2019; Reply to Defendants' Responses Regarding Extending Expert Disclosure Deadline Until After Specific Fact Discovery Already Planned Has Been Completed, [docket no. 94](#), filed Aug. 9, 2019.

Additionally, because of the extension of these deadlines, it is necessary that other deadlines in the Scheduling Order² be amended. Therefore,

IT IS HEREBY ORDERED that Plaintiffs' Motion³ is GRANTED. The Scheduling Order⁴ is amended as follows:

1. FACT DISCOVERY	DATE
a. Deadline for Fact Discovery (limited to Plaintiff Angela Nielson's ongoing medical issues and the taking of depositions of Defendants' corporate representatives)	<u>09/11/2019</u>
2. RULE 26(a)(2) EXPERT DISCLOSURES & REPORTS	DATE
Disclosures (subject and identity of experts)	
a. Part(ies) bearing burden of proof:	<u>09/11/2019</u>
b. Counter disclosures:	<u>10/11/2019</u>
Reports	
a. Part(ies) bearing burden of proof:	<u>09/11/2019</u>
b. Counter reports:	<u>10/11/2019</u>
3. OTHER DEADLINES	DATE
a. Last day for expert discovery:	<u>12/11/2019</u>
b. Deadline for filing dispositive or potentially dispositive motions:	<u>01/13/2020</u>
c. Deadline for filing partial or complete motions to exclude expert testimony:	<u>01/13/2020</u>

² Docket no. 39, filed Aug. 10, 2018.

³ Docket no. 91, filed July 8, 2019.

⁴ Docket no. 39, filed Aug. 10, 2018.

4. TRIAL AND PREPARATION FOR TRIAL	TIME	DATE
a. Rule 26(a)(3) pretrial disclosures ⁵		
Plaintiffs:		<u>04/17/2020</u>
Defendant(s):		<u>05/01/2020</u>
b. Objections to Rule 26(a)(3) disclosures (if different than 14 days provided in Rule)		
c. Special Attorney Conference ⁶ on or before:		<u>05/15/2020</u>
d. Settlement Conference ⁷ on or before:		<u>05/15/2020</u>
e. Final Pretrial Conference:	9:00 a.m.	<u>06/01/2020</u>
f. Trial	<u>Length</u>	
Jury Trial	<u>10 days</u>	8:30 a.m. <u>06/15/2020</u>

Signed August 22, 2019.

BY THE COURT



Paul Kohler
United States Magistrate Judge

⁵ The Parties must disclose and exchange any demonstrative exhibits or animations with the Rule 26(a)(3) disclosures.

⁶ The Special Attorneys Conference does not involve the court. During this conference, unless otherwise ordered by the court, counsel will agree, to the extent possible, on voir dire questions, jury instructions, and a pretrial order. They will discuss the presentation of the case, and they should schedule witnesses to avoid gaps and disruptions. The parties should mark exhibits in a way that does not result in duplication of documents. The pretrial order should include any special equipment or courtroom arrangement requirements.

⁷ The Settlement Conference does not involve the court unless the court enters a separate order. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.